

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No. 3019 of 2006 (O&M)

Date of decision : 6.11.2006

Dharmender & another

....Appellants

Versus

Ganpat & others

...Respondents

CORAM : HON'BLE MR.JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Lokesh Sinhal, Advocate
for the appellants.

...

MAHESH GROVER, J.(Oral)

The driver and owner of the offending vehicle have filed the present appeal against the award of the Motor Accident Claims Tribunal, Gurgaon dated 10.4.2006 passed in M.A.C.T.Case No.91/04 of 8.1.2004.

The Tribunal while holding the appellant guilty of negligence of causing the accident resulting in the death of a 70 years old man had fastened the liability to pay the compensation of Rs.1,00,000/- upon the appellants.

The only contention raised by the learned counsel for the appellants is that the vehicle had been falsely involved in the accident and there was no negligence in driving the same. Besides, the compensation of Rs.1,00,000/- as determined by the Tribunal is on the excessive side considering the age of the deceased.

We have heard the learned counsel for the appellants and have perused the award.

The accident is alleged to have taken place at 11.00 a.m. on 13.12.2003. The FIR was lodged on the same day at 1.30 p.m. within a span of just about 2-1/2 hours. There was thus no delay in recording the first version of the accident lending credence to the version of the accident. Besides, the report of the police under Section 173 Cr.P.C. was submitted on 2.1.2004 and the appellant-driver is facing trial as a consequence thereof. These facts cumulatively indicate the involvement and prima facie establish the negligence of the appellant-driver.

That apart, the Tribunal has granted only Rs.1,00,000/- for the death of a 70 years old man by assessing the dependency as Rs.1,600/- per month and applying a multiplier of 5. We do not think that the award is excessive.

For the reasons stated above, we do not find any infirmity in the award of the Tribunal and the appeal being devoid of merit is dismissed as such.

(MAHESH GROVER)
JUDGE

6.11.2006

(UMA NATH SINGH)
JUDGE

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